

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.576 OF 2019
AND
CRIMINAL APPLICATION NO.577 OF 2019
IN
CRIMINAL APPEAL (ST) NO.533 OF 2019**

Idris Nathu Khan @ Sanjay

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Prashant G. Pandey for the Applicant.

Mr. J. P. Yagnik, APP for the Respondent.

**CORAM : B. P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : 16/04/2019.

P.C.:

CRIMINAL APPLICATION NO.576 OF 2019

. Accused No.2 has filed appeal under section 374 challenging his conviction by the judgment and order dated 27/12/2016 in Sessions Case No.72/2016. There is delay of 767 days in filing appeal. Request is to condone it.

2. Learned APP is seeking time to verify.

3. Learned counsel for the applicant states that the appeal filed by accused No.1 is already admitted for final hearing and accused No.2 continues in jail and hence could not get adequate guidance and assistance to approach this Court in time. As the applicant is in prison, we condone delay. Office to register the Criminal Appeal.

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4. This Court today by separate order in Criminal Application No.576/2019 has condoned the delay. After the appeal is registered, Admit. Learned APP waives service of notice in appeal.

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5. Issue notice to the respondent returnable on 4/6/2019. Learned APP waives service of notice.

(PRAKASH D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)